



GUACANAGARI	PONTIAC	BLACK HAWK
MONTEZUMA	CAPTAIN PIPE	KEOKUK
QUATIMOTZIN	LOGAN	SACAGAWEA
POWHATAN	CORNPLANTER	BENITO JUAREZ
POCAHONTAS	JOSEPH BRANT	MANGUS
SAMOSET	RED JACKET	COLORADAS
MASSASOIT	LITTLE TURTLE	LITTLE CROW
KING PHILIP	TECUMSEH	SITTING BULL
UNCAS	OSCEOLA	CHIEF JOSEPH
TEDYUSKUNG	SEQUOYA	GERONIMO
	SHABONEE	



TO PERPETUATE THE HISTORY
AND DEVELOPMENT OF THE
PEOPLE REPRESENTED BY THE
ABOVE CHIEFS AND WISE MEN
THIS COLLECTION HAS BEEN
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INDIAN APPROPRIATIONS.

SPEECH

OF

HON. ISAAC C. PARKER,

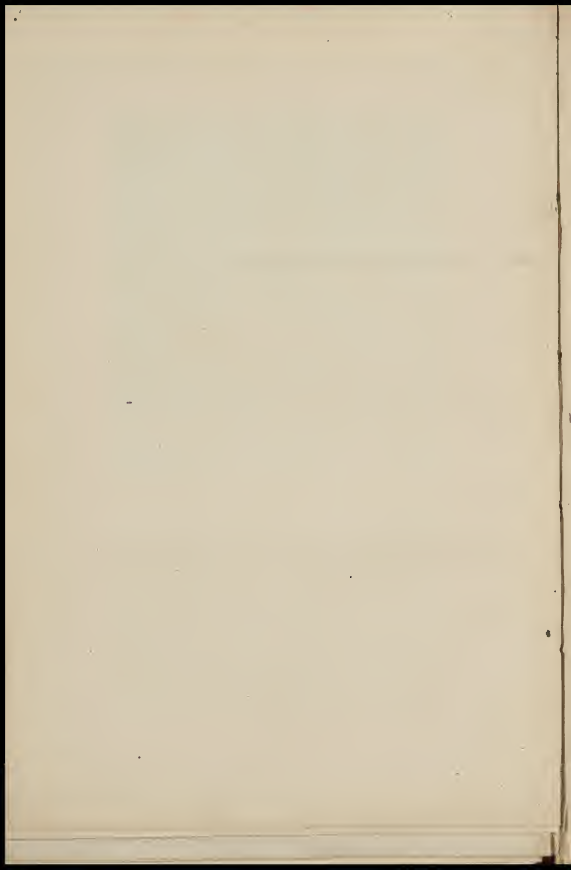
OF MISSOURI,

IN THE

HOUSE OF REPRESENTATIVES,

APRIL 29, 1874.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1874.



PEACE, CIVILIZATION, AND CITIZENSHIP.

THE

INDIAN PROBLEM.

SPEECH

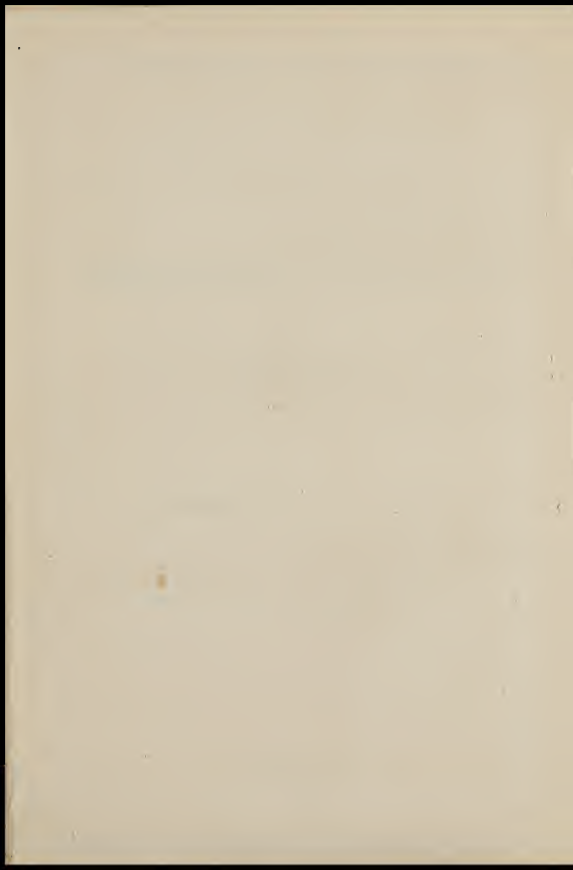
OF

HON. J. H. HIBBETTS,

OF CHETOPA,

IN THE HOUSE OF REPRESENTATIVES OF THE STATE OF KANSAS,
FEBRUARY 22, 1877.

TOPEKA, KANSAS:
GEO. W. MARTIN, KANSAS PUBLISHING HOUSE.
1877.



THE INDIAN PROBLEM.

THE House having under consideration House concurrent resolution No. 32, concerning certain civilized Indians, as follows:

Whereas, The Indian tribes occupying the eastern portion of the Indian Territory, and known as the Cherokee, Choctaw, Chickasaw, Creek and Seminole Nations, have attained that degree of civilization and advancement which makes it necessary, for their further progress, that their relations with the Government as *wards* should cease, and in its place they should assume that of citizens; and

Whereas, It is the duty as well as the policy of the Government to encourage enterprise and protect industry among all classes of people within her borders by affording them the security of law; and as it is well known that the present tribal governments are not only weak and inefficient, but inadequate to protect life and property; and

Whereas, All legislation heretofore attempted by Congress, with reference to Indians, has failed to recognize the difference between the civilized and the uncivilized—seeking to apply the *same measures* to the government of tribes in conditions totally different; and

Whereas, The tribes above named, together with the remnants of other tribes affiliated with them, have certainly abandoned the customs and habits of their ancestors, and have attained that degree of intelligence and enlightenment which fully enables them to appreciate the rights, privileges and responsibilities of citizens of the United States; and

Whereas, The history of the past and the experience of the present demonstrate that no high degree of civilization or permanent prosperity is attainable by any community or people without individual ownership of land; and

Whereas, It is evident that a large majority of the intelligent portion of said tribes, except such as have selfish motives for their opposition, are in favor of such changes in their relations with the Government as will the better secure them in their homes, and enable them, by free intercourse with the whites, to develop still more rapidly that civilization which they have, by the patient effort of over half a century, grafted on the barbarism of their previous condition: therefore,

Be it resolved by the House of Representatives, the Senate concurring herein:

That our Senators are instructed and our Representatives in Congress requested to urge upon Congress the following recommendations, viz.:

I. That a Territorial form of government be established over that portion of the Indian Territory known as the Cherokee, Choctaw, Chickasaw, Creek and Seminole Nations, together with the reservations of the Quapaws, Senecas and other affiliated bands located in the northeast corner of said Territory, of such form and with such powers as will best subserve the interests of civilization and protect the rights of the Indians.

II. That Congress provide for the immediate survey and allotment in severalty of the lands now owned by the above-named tribes in common, with such provisions and restrictions as may seem best, thus enabling each one to feel that his home is his own, and that he has a direct personal interest in the soil on which he lives, and that that interest will be fully protected for him and his children by the Government.

III. That the title in severalty shall authorize every individual to utilize the surplus of lands in such way or manner as will best subserve their interests: *Provided*, That a homestead of one hundred and sixty acres for each Indian shall be inalienable for a term of years, except under such qualifications as may be deemed best by Congress, and comport with their different grades of advancement.

IV. That as there is no tribunal exercising civil jurisdiction within the limits of the Territory, as above described, in cases arising between citizens of these Indian tribes and citizens of the United States, that a United States court, with ample jurisdiction, be organized in and for said Territory.

V. That the legislation organizing said Territory shall declare all Indians resident therein to be citizens of the United States, conferring all rights, privileges and immunities enjoyed by other citizens of this Government, according them equal protection before the law, and exacting equal obedience to its requirements, thus furnishing an example to be followed by other tribes—when they have made sufficient advancement—of the success of the experiment of civilizing Indians and incorporating them into the Government.

MR. HIBBETTS said:

MR. SPEAKER: The measure under consideration involves an examination of the entire Indian question. It asks for a culminating demonstration of the capability of the Indian for self-government. It assumes that certain Indians are civilized, and ought to be clothed with the rights and privileges and impressed with the responsibility of American citizens. If that demand is honest, and based upon fact, then nothing is clearer than that other Indians may be brought up to the same measure of civilization. Hence, it is pertinent to inquire into the best appliances of government for the solution of the Indian problem.

Therefore, in the further consideration of these resolutions, I desire to call the attention of the House—

1st. *To the growing demand for a final solution and settlement of the Indian question, in which the entire West has a special interest; and,*

2d. *The peculiar relation that the civilized Indians referred to in these resolutions sustain to that question.*

I do not intend to discuss the Indian question as the policy of any political party. Neither do I propose a vindication of the present administration in their governmental acts concerning the treatment of and policy adopted and pursued toward the Indian tribes within the limits of the United States. So far as I find that policy applicable to the wants of the Indian—consistent with the rights and promotive of the harmony of the races—I shall lend my humble influence for its commendation.

A time has arrived in the history of our country when this vexed question should receive some such attention as would tend to its elimination. The time has arrived for the Government to adopt some settled policy looking to the solution of the Indian problem. For a period of more than two hundred and fifty years, this question has vexed the minds of men. From the dawn of the nation's existence to the present time, it has puzzled the minds of those intrusted with the administrative duties and responsibilities of government,

and will continue so to do, as long as the race has an existence and the government a place among the nations of the earth, unless we seek some settled policy by which we may break down the barriers of ignorance and prejudice and prepare the way for the benefits and blessings of that higher plane of civilization to which our structure of civil government is only applicable.

I hold it the bounden duty of every American citizen to lend his voice and influence to a policy that will forever settle the Indian question, and place it beyond the power of man to revive it. Humanity demands its settlement. Christianity calls for its solution. Civilization is knocking at the door for admission, and American progress stands halted at the barrier. Two policies have commanded the attention of the country. Two policies have been pursued as the purposes of the Government. Neither has been a distinct policy: neither absolutely independent of the other. Prior to 1850, the Indian bureau was under control of the War Department. Up to this date, the war policy was substantially the policy of the Government. To that policy I am opposed. It is the policy of our Government to live peaceably with the great family of nations—to engage in no wars of conquest, and only to appeal to the strong arm of military force when the nation's honor demands it. I am in favor of a policy whose object is peace—and with it the arts of peace. In this I do not wish to be misunderstood. I do not maintain that there are not times and circumstances when it is necessary to use the military force of the Government for the protection of life and property. Neither do I advocate the withdrawal of the military from our frontier settlements. We are to-day at peace with the civilized nations of the world, yet our army and navy stand ready at all times to vindicate the nation's honor at any hazard. I simply ask that we apply the same principle to these poor unlearned and untutored natives that we apply to civilized and powerful nations. I do not object to the use of military force when the peace and safety of our frontier settlements demand it. But I do object to the transfer of the Indian Bureau to the War Department, or the adoption of a war policy as the policy of the Government.

Mr. Speaker, the policy that feeds the passion of revenge is wrong, and that policy which leads him away from the memory of those things that stimulate his hatred and distrust, and whose office it is, by love, charity and Christian kindness, to win him to the influences of Christian civilization, is right. Go, then, to him with the olive branch of peace; meet him in kindness; teach him that you do not intend to rob him; convince him that your intentions are honest; keep your pledges; don't deceive him; elevate him; civilize him; Christianize him. When you have done this, when you shall have met him in candor and sincerity, and taught him that you are honest in your intentions, you will then no longer have any use for the bloody implements of war. *Civilization is the solution of the Indian problem.* It cannot be taught on the gory field of battle. Its ministers and master spirits do not answer to roll-call at West Point. We have continuously driven him back into the wilderness, away from the light of our civilization. We have

robbed him of his rude home, dragged him from the scenes of his childhood, and expected him to bow a willing victim to our avarice. But in this we were mistaken. You cannot enslave him. He will not yield thus willingly to our bloody edicts. And what have all the efforts in this direction cost us in blood and treasure? Let us not stop here to compute the cost. Let us not unfold here the blood-stained pages of history. Let us not listen to his defiant battle-yells. Let us not track him, in blood, for two hundred and fifty years back—back into the wilderness of darkness, away from the example of our Anglo-Saxon progress, beyond the shadows of our Christian civilization. But in God's name—in the name of humanity, justice and right—let us listen to the warning voice of history, and profit by the lessons of experience.

PEACE.

Mr. Taylor, who served as Commissioner of Indian Affairs under President Johnson, estimated that a general Indian war would "reach an aggregate not much short of that of the year of largest preparations and largest operations during the Rebellion." Again he says: "Not to go back to wars waged with tribes now subjugated or extinct, were we to cast up the expenditures involved in the Sioux war of 1852-4, the Cheyenne war of 1864 (just referred to), the Navajo war, the second Sioux war in 1866, the second Cheyenne war in 1867, and we should undoubtedly reach a total greatly exceeding one hundred millions of dollars." He says further: "It will not surprise me if an examination will show that in the last forty years the war policy, and management of Indian affairs, have cost the nation little less than *five hundred millions* of dollars." This same Commissioner of Indian Affairs, in his Report for the year 1868, reaches the conclusion that "every Indian warrior killed in the Florida war, the Sioux war of 1852-54, and the Cheyenne war of 1864, cost the Government a million of dollars, and the lives of twenty-five white men."

Pursuant to an act of Congress, approved July 20, 1867, President Johnson appointed a Commission "to establish peace with certain hostile Indian tribes, and for other purposes." This Commission was organized with the following array of distinguished names: Lieut. Gen. W. T. Sherman, Brevet Maj. Gen. C. C. Augur, Brevet Maj. Gen. Alfred H. Terry, Brevet Maj. Gen. W. S. Harney, S. F. Tappan, John B. Sanborn, J. B. Henderson, and N. G. Taylor. Mr. Taylor was Commissioner of Indian Affairs; ex-United States Senator J. B. Henderson, Messrs. Sanborn and Tappan, known and honored in their respective walks of life; Generals Sherman, Terry and Augur, household names; and Gen. Harney had spent the morning of his manhood, and his later and better years, in fighting Indians. The report of this Commission was rendered to the President January 7th, 1868, and is an exhaustive document, and as comprehensive as their duties were complex, delicate, difficult and responsible. It comprises the entire Indian question, and, I might add, covers the entire Indian population. In that report, reference is had to the Cheyenne war of 1864. After reciting

the causes that led to it—among others the Chivington massacre—they add: “You will not be astonished that a war ensued which cost the Government \$30,000,000, and carried conflagration and death to the border settlements. During the spring and summer of 1865, no less than 8,000 troops were withdrawn from the effective force engaged in suppressing the Rebellion to meet this Indian war. The result of the year’s campaign satisfied all reasonable men that war with Indians was useless and expensive. Fifteen or twenty Indians had been killed, at an expense of more than a million dollars apiece, while hundreds of our soldiers had lost their lives; many of our border settlers had been butchered, and much property destroyed. To those who reflected on the subject, knowing the facts, the war was something more than useless and expensive: it was dishonorable to the nation, and disgraceful to those who had originated it.”

It is a notable fact, that the estimate of the success or want of success in fighting Indians, as reported by this distinguished commission, corresponds measurably with the statement of the Indian Commissioner, that every Indian killed in the wars that he enumerates “cost the government a million of dollars, and the lives of twenty-five white men.” Say they, “fifteen or twenty Indians had been killed, at the expense of more than a million dollars apiece, while hundreds of our soldiers lost their lives, and many of our border settlers had been butchered.” They tell us, “this war cost the Government thirty millions of dollars;” they tell us, “fifteen or twenty Indians had been killed.” Then, by their own showing, every Indian killed cost the Government one and one-half millions of dollars. They say, “hundreds of our soldiers lost their lives.” If the magnificent achievement of an army of 8,000 soldiers crowned themselves at the end of the campaign with having accomplished the death of twenty Indians, the presumption is, that the hundreds of our soldiers who lost their lives will equal the estimates given by the Commissioner, that “every Indian cost the lives of twenty-five white men.” Is it reasonable that a force of 8,000 at the end of a year’s campaign should meet with less loss? They say “hundreds,” and I venture to say that, if the army rolls were consulted, the estimate put upon it by the Commissioner would be exceeded. Mr. Speaker, according to the careful conclusion and undisputed testimony of this commission, composed of a number of our most distinguished fellow-citizens, civil and military, after a calm and unbiased investigation of all the facts, Indian wars are certainly “useless and expensive.”

Mr. Speaker, it is a familiar axiom that “figures won’t lie.” I am however disposed to the opinion that they differ from the historical lad who “could not tell a lie.” Figures do not, or ought not to lie, but, by a gross perversion of the logic of mathematics, may be made to lie. In other words, the employment of a wrong premise in figures will produce a wrong conclusion. I wish to employ figures in an estimate of Indian wars; I wish to submit Indian wars as a question of economy to the crucible of commercial arithmetic. The same rule of mathematics that moves the commerce

of the world, estimates the expenditures of armies, and guides the finances of nations. The figures are so astounding that I ask you to follow me closely, and determine for yourselves whether "Indian wars are useless and expensive," or whether the figures have been perverted to the base use of a flaunting lie. If my premises are correct, and commercial arithmetic is not a sham and a fraud, then the figures will reach a logical and mathematical conclusion with as much precision as they will compute the sum of a given merchantable product at a given price, and are as logically decisive as that two and two make four.

There are about 300,000 Indians in the United States. We have found Indian wars such a brilliant success, so alluring, such a temptation to our military ambition—let us exterminate them. As every successful military character counts the cost of his campaign, both as to money and men, the time required, and the probabilities of success, let us do the same. That there be no mistake, let us base our figures upon the authority of the General of our armies—upon the authority of his distinguished associates—in their report rendered to the President January 7th, 1868. Let us base our figures upon the authority of the Commissioner of Indian Affairs, after a careful review of the history and experience of our Government in Indian wars. When we shall have made our estimates, and before entering on this gigantic campaign, let us elect Gen. Sam. Cary President, Geo. Francis Train Vice President, and appoint Petroleum V. Nasby Secretary of the Treasury; and let "greenbacks" be as the sands on the sea-shore. If at the lowest estimate every Indian killed is to cost the Government a million of dollars, 300,000 Indians will cost just 300,000 millions. But this distinguished commission informs us that it cost thirty millions to kill twenty Indians; then it will just cost 450,000 millions to kill 300,000 Indians. This is the estimate, based upon authority derived from official sources. But *time* is an important consideration. Let us see: if it requires an army of 8,000 men one year to kill twenty Indians, it would just take the same army 15,000 years to accomplish the extermination of 300,000. If our army should be 30,000 strong, it would require just 4,000 years—2,123 years more than are embraced in the Christian era. Another consideration is men. If it cost the lives of twenty white men to kill one Indian, then it would cost the lives of six millions to kill 300,000. But if the estimate is "twenty-five" white men, which is perhaps the better authority, being based by the Commissioner upon our experience in numerous wars, then it would require the sacrifice of 7,500,000 lives—which is only of minor consideration when we remember that it is to require somewhere from 4,000 to 15,000 years, according to the number of troops we employ to accomplish the object of this campaign.

Now, Mr. Speaker, do you wish to follow me any further in the cost of Indian wars and Indian extermination? If any are further curious, and have a penchant for the figures, they might estimate the cost price of the destruction of the 78,000 uncivilized Indians, and find where you could place \$117,000,000 "where it would do the most good." If I am met here with

the assertion that these figures seem enormous and unreasonable, my answer is, "I am not responsible for the premises, and have only drawn the conclusions." Allowing all reasonable deductions of whatever kind or nature, and admitting the basis of these figures to be extravagant, and making all due allowance for any errors of judgment on the part of those from whom they are derived, the result of computation is still irresistible of the logical conclusion that Indian wars are useless and expensive.

But, sir, if other testimony is wanting in proof of the general proposition, that Indian wars are useless and expensive, disastrous of every good result, and only prolific in humane sacrifice and wasted treasure, our recent experience need only be summoned. In loss of life and expense to the Government, our conflict with the Modocs little less than doubles the estimate I have cited in your hearing.

And now, Mr. Speaker, shall I turn from the nation's loss at the lava-beds to that bloody cañon where fell that gallant and princely knight-errant of the American army, Gen. Custer, and his noble band of officers and men — as though the great God of the Universe would arrest our madness, folly and wickedness, by writing our national shame in the blood of our ideal chieftain? And, sir, I turn in loathing from this soul-sickening horror, to rest my case.

But, it may be said that the transfer of the Indian Bureau to the War Department is not tantamount to the adoption of the war policy. Much might be said on this point alone. One of our Indian Commissioners declares that "it is equivalent to perpetual war." But I submit that question to be answered by Gen. Sherman and his co-commissioners in their report of January, 1868. In that report, some eleven distinct recommendations are made. The first of these is directed to a revision of the "intercourse laws," giving as a reason therefor that they were adopted when the Indian Bureau was connected with the War Department. In the second recommendation, we find this language:

"This brings us to consider the much-mooted question whether the bureau should belong to the civil or military departments of the Government. To determine this properly, we must first know what is to be the future treatment of the Indians. If we intend to have war with them, the bureau should go to the Secretary of War. If we intend to have peace, it should be in the civil department."

This is very plain English language; and when we consider that it is the language of the General of our armies, it is very significant language. If this is conclusive of the question, and the language is concise and explicit, it certainly precludes all necessity of looking into the army, either as auxiliary or principal, to see whether or no we may commit to her officers any of the great questions of Indian civilization, progress or development. "If we intend to have war with them, the bureau should go to the Secretary of War." This language forestalls our looking in that direction, that we may stamp the indelible impress of our Christian civilization upon the American Indian as a race, and lift him up to the full stature of civilized manhood. If it means war, it means either the fiendish, cruel and inhuman crime of extermination,

or it means the wilderness of darkness that covers its victim in the night of ignorance, superstition and barbarism. If it means this, it means increased taxation; it means the increase of our standing army; it means the expenditure of from fifty to one hundred and fifty millions annually; it means national debt; and last, it means national crime, national disgrace, and national dishonor.

In 1850, the Hon. Anson Dart, then and now, I believe, a citizen of the State of Wisconsin, was solicited to take the office of Superintendent of Indian Affairs in Oregon. He was asked to forego the honorable and flattering appointment of Minister to the Argentine Confederation. He was selected for his known fitness for the position, owing to his familiarity with the language, manners, customs and wants of Indians. In a letter of Mr. Dart's to the Commissioner of Indian Affairs, dated Washington, November 26, 1868, is this passage:

"In 1850 I was solicited to take the office of Superintendent of Indian Affairs, in Oregon, which then contained also Washington and Idaho Territories, in which there were about 25,000 Indians. I declined the office unless the military forces in that country could first be removed. There were six military posts there. In 1857, the troops were all removed. I had charge of Indian affairs on that coast for three years, and during the whole time there was no trouble with any of the Indians, and not one dollar was the Government called upon to pay to quell any Indian disturbance during that time. But it was said that peaceful state of things brought no money to Oregon, and Dart must be removed and the troops brought back. So, in 1853, Dart was removed by President Pierce, and the troops brought back. The troubles that followed, you know. The wars of 1854-5, in Oregon, I believe, cost the Government more than eight millions of dollars. I am sure there was no good reason for having trouble with any of the Oregon Indians."

He adds further:

"So I have, in all my travels in the Indian country, found the Indians to dislike the military. Besides, I believe that ten per cent. of the cost of the army management of the Indians will pay every expense necessary to keep them quiet and friendly in every part of our Indian country."

As will be seen by reference to the Congressional Globe, page 1460, Thirty-sixth Congress, this gentleman is indorsed by the Hon. C. C. Washburn and the Hon. Mr. Edwards from the floor of the House of Representatives, and by Hon. Mr. Doolittle from the chamber of the United States Senate, and by Judge Nelson, ex-Chief Justice of Oregon. Both Mr. Edwards and Mr. Washburn inform us that the whole cost of his superintendency, including salaries, the cost of agency houses, traveling expenses, authorized presents and supplies to the Indians—in short, everything, was only \$24,000 a year; less than \$1 per head for each Indian under his charge.

Mr. Speaker, this scrap of history is worth a little careful study. It unlocks a secret that has been too long hidden. It reveals in all its ugly deformity the mainspring of too many of our Indian wars: I mean the rapacious spirit of avarice—the relentless and inordinate love of gain. The war secretary in too many of these inhuman butcheries has been the

almighty dollar. In this respect, the history was not only significant but very remarkable. Let it speak for itself: "In 1853, Dart was removed, and the troops brought back." In 1854-5, we have a war costing the Government eight millions of dollars. "This peaceful state of things brought no money to Oregon." This warlike "state of things" disbursed eight millions of dollars. Thirty, forty and fifty millions are spent in single wars. Do I say too much? Do I put too low an estimate upon humanity in saying that this is the cause that too often lies hidden? Shakspeare says, "Nature hath formed queer fellows in her time." A member of Congress from this State related to me, in 1872, the circumstance of a person approaching him with a deliberate, cold-blooded proposition to precipitate an Indian war, arguing as reason therefor "that it would help his business," he then being engaged in merchandising in western Kansas. The cold-blooded, calculating and designing villain, who would thus sacrifice national honor, deplete the treasury, plunge the country in blood, and light the torch to our border settlements, that he might fill his own coffers, is only equaled in stolid indifference by him who fiddled while Rome burned. Such an one is without a prototype in the history of the race, until we get back to the record of the primeval tempter, who said to our first mother, "Ye shall not surely die."

"She plucked—she ate; earth felt the wound:

And Nature from her seat, sighing through all her works, gave signs of woe."

It is said there were in ancient republics men whose motto was, "Better to reign in hell than serve in heaven," and who cared not what came of their country so they were promoted. But the goal of our modern American monster is not ambition; his watchword is not "Excelsior," but gold—gold—more gold. The marble-hearted demon who would place in the scale human hopes, human happiness, and human life, against the sordid price of glittering gold, and strike the balance in favor of the latter, ought to be put to the torture, that his name might go down in history alongside with him who set fire to the beautiful temple of Diana at Ephesus. The human monster—fiend—devil—devil incarnate, who in the light of American civilization would thus unchain the demon spirit of savage barbarism, and amidst the shrieks and groans of dying women and children, in hearing of the savage battle-yell, could fill his coffers with the pelf of war, can only be described as the embodied sum of history's villains. In monstrous villainy—in fiendish, cold-blooded scoundrelism—in stolid indifference to the warm blood of humanity, he combines in a preëminent degree all the villainous vices of the incendiary of Ephesus, the Roman fiddler, the demagogues of ancient republics, and the primeval tempter. But, Mr. Speaker, does it end here? Beyond and behind is the "sleek, oily, wily, respectable hypocrite." These villains are suborned to commit these crimes by greater villains, whose rapacious hands are ever outstretched in the direction of public plunder. That these political vultures and moral scorpions are clamorous for the war policy, is in nowise surprising to him who has reflected upon the subject. There is the lean, lank, hungry Indian Agent of a few years ago. His voice

is for war, and his noble breast heaves the sigh, and his manly arm is bared for public spoils. If the turpitude of this crime has no parallel in history, what then will he recorded of that society that winks at its villainy, and reaps the mercenary benefits of its cold-blooded conspiracy? Is it a wonder, then, that there are those who demand that we shall divest the Indian question of sentiment, and forbid that we appeal for the Indian in the name of human rights?

But this history has another signification; it is important and instructive in another sense: it stands forth as one of the living evidences of the fact that there is a solution to the Indian problem, based upon peace, founded in justice, and grounded in Christian charity. Mr. Dart had under his charge a number of Indians equal to one-twelfth of our entire Indian population, exclusive of those in Alaska. Military management had driven them into the wilderness of the Cascade mountains, and no white man had dared to penetrate those mountains after the Cayuse war of 1848. When he sent for the chiefs of the Cayuses, they refused to appear until they were assured that they were not at the mercy of the military. There they stood in their mountain fastnesses, sullen, defiant, revengeful, historic witnesses to the folly of that policy which we are asked to indorse in 1877. But behold the contrast, gleaming in all its splendor in the sunlight of peace and Christian charity! When assured that his intentions were pacific, honest, just, it is a matter of record that he executed thirteen treaties. Judge Nelson says: "He was pacific in spirit, and was much respected and beloved by the Indians under his charge; and had he been continued such, it is my belief that much bloodshed would have been spared, and much treasure saved."

We have a war in 1848; but in 1850 we send a messenger of peace, who, single-handed and alone, not behind frowning battlements, not with glistening bayonets and shotted cannon, but fortified by the consciousness of right, in the language of high authority "he preserves peace between the Indians and the white population around them," and leaves no debt of millions against the Government. But in 1853 the horse-leech of avarice cries "More! more!" and we have the war of 1854-5. This history is sufficient of itself to elucidate the whole Indian problem. It is one of those evidences of the fact that peace hath her victories; it is one of those fragments of history that teach of a higher, nobler and more Christian policy for the treatment of this child of the wilderness; it is one of those whisperings of history which say, "This is the way—walk ye in it."

Proud of my country and her noble achievements, I thank God there are many of these to brighten the pages of her history. One other will suffice. I have referred at some length to the Cheyenne war of 1864, and the report upon it rendered to President Johnson in 1868. In that report we find this language: "When the utter futility of conquering a peace was made manifest to every one, and the true cause of the war began to be developed, the country demanded that peaceful agencies be resorted to." A council of war was held, at the mouth of the Little Arkansas, in October, 1865. The Chey-

ennes and Arapahoes were induced to relinquish their reservations on the upper Arkansas, and accept a reservation partly in Kansas and partly in the Indian Territory. When this treaty came to the Senate for ratification, it was amended so as to require the President to designate for said tribe a reservation outside of the State of Kansas, and not within any Indian reservation, except upon the consent of the tribes interested. As this reservation was partly in Kansas and partly in the Indian Territory, they were virtually without any reservation at all. They were simply homeless. And yet, notwithstanding this, it is a matter of historic record, that "as soon as this treaty was signed, the war which had been waged for nearly two years instantly ceased, and travel on the plains was secure. What 8,000 troops had failed to do, this simple agreement, rendered nugatory by the Senate, and bearing nothing but a pledge of friendship, obtained." This is the language of the commissioners, and speaks volumes in favor of the policy of peace, friendship and kindness, and adds another testimony to the folly of a policy based on war, cruelty and revenge. More than half the period that the Indian Bureau was conducted by the War Department was spent in useless and unprofitable wars; and since the bureau has been under the conduct of the Interior Department, almost all of the wars that have depleted our treasury, and have been disgraceful to us as a nation, have been the result of the indiscretions of the military stationed in the Indian country. In proof of what I say, I point you to the Sioux war of 1852-4, the Cheyenne war of 1864; to the second Sioux war, of 1866; to the second Cheyenne war, of 1867, and the Navajo war in New Mexico. Upon the Pacific coast we have similar results.

Mr. Speaker, standing here and looking back upon the follies and failures; the inhumanity and injustice; the cruelty and revenge; the carnage and bloodshed; lost honor and wasted treasures, what is your verdict of the war policy and management of Indian affairs? There is a possibility that in time the Indian problem might be solved in this way. But is there no better way? On the eve of the nineteenth century, as we stand amid battlements of Bibles and forests of church spires, as we stand surrounded by the highest type of Christian civilization, as we stand foremost in national progress, lifting up our voices and thanking the God of Nations for our hundred years of American liberty, with all its benignant blessings, is our charity not comprehensive enough to embrace these poor, miserable, shattered and broken remnants of a once-powerful race, who are hanging in all their wretchedness on the verge of our Government? "Experience has laid the key to the solution at our door." All along down the pathway of our dealings with the American Indian are strewn fragments of history sufficient in themselves for the solution of this vexed problem. Like a gleam of sunlight breaking forth from behind the clouds, its bright rays lighting up the beauties and splendors of earth and making all nature smile, these come to us from between the shocks of battle; they come in pieces and fragments; they come with their warning voices; they come in whisperings of peace, love and charity; their cry is, Peace and good will to all men.

In the further consideration of the question, I desire to read an article prepared by myself, and published in the *Chetopa Herald* of the issue of April 22d, 1876:

It is one of the hopeful signs of the times, that there is a vigorous sentiment in the land in favor of lifting up the Indian from the depths of barbaric customs and habits, to the full measure of civilized manhood. The Indian question, with all its puzzling perplexities, is growing every day more complex, difficult, delicate and responsible, as the advancing waves of civilization circumscribe the boundaries which have hitherto been no barrier to that policy which thought it no crime to drive him back into the wilderness and perpetuate his native inclinations. But the time has come when, aside from all considerations of humanity, this vexed problem must be solved. The question that no man ought to seek to evade is, How can this great work be accomplished? What shall we do with the American Indian? Where lies the solution to this difficult problem? Who shall be able to grapple with this great question, and meet the requirements that it imposes? One thing is certain: this Government, through her constituted powers and authorities, extending her administrative influence over more than forty millions of white population, reefing and surging with the mad waves of emigration, and buoyant with the spirit of progress and enterprise, cannot longer evade the responsibility of the question we have chosen to discuss in these columns.

As a means to the end desired—as a means to the accomplishment of this grand consummation—we know of none more important than that the Government adopt and adhere to some well-defined policy, having for its object the elimination of the Indian question. We would have that policy so preëminently just, wise and humane, that no political party would dare to pull down what its predecessor had built. In other words, we would build a coördinate temple of the rights of the races, so pure, spotless and white, with the marble of justice, that no man or combination of men would dare tarnish its beautiful walls. We would, as speedily as possible, place the Indian question outside of the pale of party politics. The rights of common humanity are too important a consideration to be placed at the mercy of the recurring changes of political parties. The cause of human advancement is too sacred to be subject to the mercenary ends of political patronage. The immortal soul of man was never intended to be used as political merchandise. We may be met here with the assertion that this end is not easily reached. We admit it. We admit that so long as the Indian requires the guardianship of the Government, he remains at least under the indirect influence of political parties. But there is no good reason why the parties may not meet on a common platform, for the elevation and enlightenment of the Indian race. And we know of no issue now upon that question divided by party lines.

We think a wise suggestion looking in that direction is, that all moneys and supplies to Indians be received and disbursed by army officers. In this of course we do not advocate the policy of giving the army any military jurisdiction over the Indians. But we conceive it to be the greatest wisdom on the part of the Government, as a matter of economy, as well as relieving the Indian question as far as possible of party politics, to commit all Indian disbursements to officers of the army. The wisdom of the measure will suggest itself to any who reflect on the subject for a moment. In the first place, it would add no additional expense to the Government; and further, army officers holding their appointments for life, and held to strictest accountability, would be most likely to discharge the duties this plan would impose to the entire satisfaction of the country. We are finding no fault with the character of the present agents; we are finding no fault with the system they administer. We hold the principle to be right; and further, we believe the policy of driving the Indian into the wilderness of darkness and the night of ignorance, away from the light of our Christian civilization, by the might of military power, to be nothing less than national crime. We believe this Government can and

ought to adopt a firm, settled policy, based on peace, founded on justice, and having for its object the civilization, progress and advancement of the Indians, and their final incorporation into the civil body politic, with all the rights, privileges and immunities, duties and responsibilities of American citizenship. The sooner this is begun in a practical way, the better for all concerned.

Our first step would be to organize the Indian Bureau into an independent department. If there is any one feature of our Indian affairs that calls more loudly by the voice of humanity than another, it is the gross neglect on the part of the Government to perform her stipulated obligations to the Indian. If you will take the pains to look into the matter of our Indian troubles, you will find traceable to this cause many of our most disastrous conflicts, involving great destruction of property, loss of life, and millions of dollars wasted in useless and expensive wars. As a matter of economy, the Government could well afford to organize an independent bureau of Indian affairs, having for its object the supervision of all matters pertaining to the Indian service. As it is, the Indian Bureau is nothing more than a mere clerkship in the Interior Department, without power or influence. It is not long since the office of Commissioner of Indian Affairs was begging some one to take it off the President's hands. It pays \$2,500 a year—a salary about equal to a third-class post office in a country village. We will not say the office has not been ably filled. We think it sometimes has, and sometimes it has not; but it ought, with the difficult and responsible trust it imposes, to command the best talent in the land. It is true, the Secretary of the Interior is held responsible for the duties of the office; but my argument is, that the complex, difficult and responsible duties of the Indian service require something more than a mere pigeon-hole in the Interior Department. It requires one competent head, and its duties are sufficient to tax the time and energies of the very first talent in the land. We would make that officer a member of the President's cabinet, with all the power and influence with Congress and the President of any other head of a department. This office should be pre-eminently a civil office, and its conduct of Indian affairs should be plainly laid down in the laws of the land.

Our next step would be to carry out the reservation system inaugurated by General Grant. These reservations should be liberal. We will give our reason for this at a future time. Too much care cannot be taken in the selection and location of the reservation. The key to the solution of the Indian problem lies after all in those questions affecting his rights to the soil. You will observe that we are laboring to place the Indian question on an unchanging basis that cannot be altered by the recurring mutations of party politics. This can only be done by Congress plainly defining the legal rights of the Indian to the soil he occupies, and making it the duty of the Government to defend him against all encroachment. We would locate these reservations as far as possible, so as to subserve the rights to claims to lands in which they are now vested in rights of occupancy by treaty or otherwise. In cases where this is not practicable we would give him satisfactory exchanges for such title or claim as he may have derived from the Government or other sources. Our plan does not interfere with the building of railroads or the local traffic of the same, yet we would endeavor to locate the reservations as remote from settlement and as much as possible out of the way of railroads and other public enterprises. Our reason for this is, that during the first years, and while the Government was making effort to mould Indian character to the customs and habits of civilized life, it might delay the local traffic of railroads and thereby create a powerful corporate influence against the workings of the system. The character of the title vested in the Indian to the reservation, is in our opinion the most important consideration connected with the whole Indian question. It should contain no equivocal terms. It should leave no place where a land-shark could hang a hope. It should be the basis and settlement of the Indian question. We would vest the title in the Indians by act of

Congress, subject to certain mutual conditions between the Government and the tribes occupying the same. What these conditions in all the details of law should be, we do not attempt to say. That question might well occupy the thoughtful attention of the most astute legal mind or the most distinguished statesmen in the land. Whether the land should be patented to the Indian in common, is a question for Congress to determine. We think it should. Our reason is two-fold: First, it would give to the Indian the security of a local habitation, and it would be a bar to the encroachment of white population. And next to no other title seems feasible for the uncivilized tribes. Such title should never be deemed to be absolute, and yet the Government should declare in unmistakable terms that the lands are to be the property of the Indians, subject of course to certain conditions. Some of the conditions seem obvious, and may be stated briefly.

Should the tribes become extinct, or abandon said lands, they should revert to the United States. The Government should reserve the right to allot said lands to the Indians in severalty, whenever in the wisdom of Congress it should seem for the best interest of the Indians concerned. This should be the object and condition of absolute title. We would further make it a condition of the title, that whenever any of the tribes should abandon their reservation, or refuse to obey the mandates of the civil authority over them, and make forcible resistance to the authority of the United States, or should commit depredations upon white settlements without cause, the lands should revert to the United States, and be sold to pay the expenses of the government, civil or military, incurred by said tribes, and such tribes should be turned over to the military authorities, to be treated as outlaws. It may be said that this has the appearance of a departure from our well-known peace views. Our answer to that is, while we would make peace the paramount policy, yet we believe in force. We believe in such legal enactments as carry with them the power to accomplish the object for which they were enacted.

Having settled the Indian on reservations, and defined his rights to the same, the proper officer of the Indian department should be empowered to make a requisition upon the proper officer for a detail of military officers whose duties it should be to receive and disburse all supplies in the Indian service. For each reservation it should be the duty of the President to nominate, and by and with the consent of the Senate to appoint, some suitable agent who should hold his office during good behavior. We would make it the policy of the Government as fast as practicable to bring the Indian under civilizing influences. For this purpose, it should be the duty of the agent to report direct to the Indian department the necessary wants of his agency, and to exercise a supervisory care over the Indians under his charge. While the propriety of giving these agencies to the religious societies might not be questioned, we would leave the subject of their religious training to the voluntary efforts of the church at large. No question, we presume, will be raised as to the right of the Government to civilize, educate and elevate the Indian; but the policy of providing Government means for their religious wants, in our opinion is a questionable measure. It may be objected that our plan necessitates two sets of agents. We might answer that objection, by saying that it adds no additional expense to the present system; but we do not base our theory on that ground. First, the objection is not true. The military disbursing officer is already an agent of the Government, but we do not deem him fitted by occupation and surroundings for the necessary duties of civil agent. And next, we support our theory on the ground that it is a measure of economy. We hold that the agent is a check upon any corruptions that the military disbursing officer might seek to enter into, and upon the other hand the disbursing officer would be most likely to report any dereliction of duty on the part of the agent. Both holding their offices for life, they would in a great measure be placed beyond the temptation to enter into collusion to defraud the Government. We have the most implicit faith in the officers of our army and the agents having no control over the funds of the Indian service or the supplies. We are firmly of the opinion that the system we advocate

would purge the Government of corruptions in the Indian service that have been a national shame. A judicious corps of inspectors sent out under direction of the Indian department would add to the efficiency of the Indian service, and if faithful would render its purity an almost moral certainty. Whether these should be of the higher grades of our military officers, or be selected from civil life, is a question to be determined mostly by the nature of the duties it would involve. We know of no good reason why the Indian service may not be brought up to the same standard of accountability as the mail service, the money-order system, our national banks, or the revenue. If the same systematic appliances are adopted, the same results may be attained. We think we may, without wishing to appear egotistical, say that we have succeeded well in placing the Indian question outside of the pale of party influence, and upon a firm, settled basis. Our object is, to get Indian affairs out of the reach of the rapacity of our race, that the Government may adhere to a well-defined policy, giving security to the Indian, and peace to our border settlements.

Our next step would be to bring the Indian under civil authority. No measure seems to us more important, in the solution of our Indian difficulties, than that the Indian be made subservient to the civil law. For this purpose, we would extend the jurisdiction of the United States courts over all Indian reservations. We would make the Indian strictly amenable to civil authority. That this can be done, we have not the least doubt. Our observation among Indians is, (and we are supported in it by those most familiar with the subject,) that of all God's creatures, the Indian, when brought under proper restrictions, is the most easily governed. He may not respect or fear the power of armed force, but he has a wholesome regard for the "terrors of the law." The bayonet, sabre and cannon he does not fear, so long as he knows the alternative is "liberty or death," with the chances largely in favor of the former. Estimating his liberty above all other things, the gaping doors of our jails or penitentiaries he would escape, if escape can only be had at the price of obedience. In his native wilds he may appear insensible to fear, or even death, but death on the gallows he holds in fearful terror. But we do not base our argument on the servility of obedience; we hold that the Indian will readily acquiesce, and respect the authority placed over him, if administered impartially. And we venture to say, that the proportion of crime among our Indian tribes is not greater than in many of our larger cities. In the midst of our advanced civilization that we have been 1,200 years in acquiring, we require, a policeman at every corner. But the higher consideration of our theory is, that it is the duty of the Government to assert the power of its civil authority, and break down that accursed delusion of Indian supremacy. We would teach the Indian by the decrees of our courts that he is individually responsible to the authority of the United States. Incorporation into the civil body politic being the object, the sooner the Indian is placed on the broad plane of civil equality the better. We know of no agency so powerful, in bringing the Indian to understand his accountability to the Government, as the pains and penalties of the civil law, administered by a judicious court. We know of no agency so well adapted as our courts, through their admirable legal machinery, to bring the Indian up to an advanced standard of civilization.

Another matter of great importance is the jurisdiction of the military. For this purpose, we would make the military subservient to civil authority among our Indian tribes, as well as elsewhere. That the federal authority is responsible for the conduct of the Indian will not admit of a doubt, and that, the Indian being the ward of the nation, it is also the duty of the Government to protect her citizens against all violence on the part of Indians, although it should involve the full power of her military strength. The civil authority is the United States court; the executive officer is the United States marshal. If he shall fail in the enforcement of the law, it is clearly the duty of the Government to render such military assistance as will give protection to life and prop-

erty. The local jurisdiction of our States and Territories should not extend to our Indian reservations. The Federal Government being responsible for the conduct of the Indian, and for the protection of her citizens in the States and Territories, we think it is clear that the power that should be authorized to call on the President for military assistance should be some officer directly responsible to the national Government. We do not assume for the Indian in a state of pupillage the same restrictions of law in this regard as those laid down for citizens of the United States. But the power to call for military assistance should be lodged with some discreet and competent authority, which should be held to strict responsibility by the National Government.

What authority would be competent, can only be determined by a careful examination of all the circumstances. To lodge this power with the Governor of an organized State, owing to the sentiment of mad malice in some of our States and Territories soon to become States, is subject to grave objections. To take this power away from the chief executive officer of a State or Territory, would be objected to as rendering him powerless to protect the lives and property of the citizens whose chief administrative office he filled. If lodged with the United States District Judge, it may be said he is a judicial officer. If lodged with the United States Marshal, it may be said that it is not an office of sufficient gravity in which to intrust so important a matter. And yet we think it altogether proper for that officer to make it known to the court that he was unable to enforce order and give protection, and then for the court, in due form, to advise the President that military force was necessary to enforce the laws and give protection to life and property. In this way, or some other similar arrangement, we think much bloodshed may be spared and much treasure saved.

Our past history is a sufficient protest against the indiscriminate use of the military upon the complaint of irresponsible parties. Some six of our most disastrous conflicts with Indian tribes, all of recent date save one, and costing in the aggregate scarcely less than one hundred and fifty millions of dollars, and a great destruction of life and property, occasioned by the indiscretion of the military stationed in the Indian country, is a sufficient warning against its reckless use in the conduct of our Indian affairs that speaks for itself.

CIVILIZATION.

All that I have said on the Indian question will add but little to the solution of the Indian problem, unless the sentiment of the country will induce Congress to declare the intention of the Government to *civilize* the Indian. No question, I presume, will be raised as to the right of Congress to provide the means for this object. And before we address ourselves to the duty of the Government in the matter, let us ask ourselves these other no less serious questions, Is it practicable? Can the Indian be civilized? Is the Indian civilization, progress and advancement feasible? Can the Indian be lifted up to the plane of civilized manhood and be fitted to enjoy the happy destinies of the American people? I assume that he can, and in support of that proposition I desire to read to you from the report of Commissioner of Indian Affairs rendered to O. H. Browning, Secretary of the Interior, an argument upon Indian civilization, based upon a statement of facts, derived from actual results found among the civilized tribes in the Indian Territory. Having long lived on the borders of that country, and having been much among that people, I can vouch for the truth of his assertions, and the correctness of his conclusions. He says:

"This question has long trembled in the hearts of philanthropists and perplexed the

brain of statesmen. It is one that forces itself at this moment upon Congress and the country for an immediate practical answer. The time for speculation and delay has passed; action must be had, and that promptly. History and experience have laid the key to its solution in our hands at the proper moment, and all we need to do is to use it, and we at once reach the desired answer. It so happens that under the silent and seemingly slow operation of efficient causes, certain tribes of our Indians have already emerged from a state of pagan barbarism, and are to-day clothed in the garments of civilization, and sitting under the vine and fig tree of an intelligent scriptural Christianity. Within the present century their blanketed fathers struggled in deadly conflict with our pioneer ancestors in the lovely valleys of Georgia, Alabama and Mississippi, and among the mountain gorges and along the beautiful streams of western North Carolina and eastern Tennessee, and in the everglades of Florida, and made classic the fields of Talladega, Emucklaw and the Horse Shoe, which gave to history and fame the illustrious name of Andrew Jackson. Within the memory of living men their tomahawks reflected the light of the burning cabins of white settlers on the Nolachucka and French Broad, the Hiawassee and the Tennessee rivers and their tributaries. Their scalping-knives dripped with the blood of our border settlers, and their defiant battle-yell woke the echoes among the green savannahs and vine-tangled forests of the South. But behold the contrast which greets the world to-day! The blanket and the bow are discarded; the spear is broken; the hatchet and the war-club lie buried; the skin lodge and the primitive tepee have given place to the cottage and mansion; the buckskin robe and the paint and beads have vanished, and are now replaced with the tasteful fabrics of civilization; medicine lodges and their orgies and heathen offerings are mingled with the dust of forgotten idolatry; school houses abound, and the feet of many thousand little Indian children—children intelligent and thirsting after knowledge—are seen every day entering these vestibules of science; while churches dedicated to the Christian's God, and vocal with his praise from the lips of redeemed thousands, reflect from their domes and spires the earliest rays and latest beams of that sun whose daily light now blesses them as five Christian and enlightened nations, so recently heathen savages. The Cherokees, Choctaws, Chickasaws, Creeks and Seminoles are the tribes to which I refer. They are to-day civilized and Christian people. True, there are portions of each tribe still carrying with them the leaven of their ancestral paganism and superstition; but their average intelligence is very nearly up to the standard of like communities of whites. Their representative men will compare favorably with any like number in our State legislatures and in our national Congress, as respects breadth and vigor of native intellect, thoroughness of culture, and propriety and refinement of manners. I could refer to other tribes and parts of tribes, but those mentioned will serve the purpose in view. Thus the fact stands out clear, well defined and indisputable, that Indians, not only as individuals, but as tribes, are capable of civilization and Christianization.

• "Now, if like causes under similar circumstances always produce like effects, which no sensible person will deny, it is clear that the application of the same causes that have resulted in civilizing these tribes, to other tribes, under similar circumstances, must produce their civilization."

Mr. Speaker, these are glowing words, detailing the history of a grand transformation from the "wildest savagery" to a "glorious harvest of intelligence and Christian civilization." This Commissioner tells us that he could refer to other tribes and parts of tribes in demonstration of the same general fact, a matter familiar to many gentlemen on the floor of this House. And while I do not deem it necessary for the purpose of my argument to multiply examples, yet one seems so remarkable that I cannot resist the temptation to refer to it. There is a chapter in our history so fresh and

vivid in the mind, that I need not recite the savage scenes enacted at the lava-beds only a few short years ago, that sent a thrill of horror throughout the civilized world. But the condition of that tribe to-day is a matter not so familiar to the public. Their history since that bloody encounter shows them to be as remarkable in the arts of peace as in the science of war. They are to-day a quiet, well-ordered, civilized people, prosecuting in industrial pursuits with a zeal that would do credit to a like community of whites. In moral, material and intellectual progress they are a wonderful example of the capabilities of their race. Evidences of advancement are everywhere seen on their reservation, while scarcely a trace of the barbarian is left to remind us of the Modoc of yesterday. It is well to study these examples, and seek the influences that have wrought these wonderful changes; for, as the Commissioner has said, "If the laws of God are immutable, the application of similar causes to other tribes must produce a like effect."

Mr. Speaker, before closing, I shall beg your attention to the remaining portion of this able and eloquent argument, having reference more particularly to the causes which led these tribes out into the broad sunlight of civilization. And now, if Indians are capable of being led into the highway of civilized life, what is the duty of the Government in the premises? "Is it too much, that we provide them with liberal reservations out of their own lands and grant them homes forever? Is it too much, that we supply them with agricultural implements, mechanical tools, domestic animals, teachers, physicians, and open the pathway to the Christian missionary? Is it too much, that we employ carpenters, blacksmiths, farmers, millers, and teachers, to engage in the work of instructing these people to break their own lands, build their fences and cabins, saw their lumber, and grind their corn, as well as to speak in our language and write in our alphabet?" You will bear me witness that I have not appealed to your sentiments of humanity; I have not appealed to the higher considerations of Christian charity, in urging this as the duty of a Christian nation. The Indian does not come as a beggar at the doors of the Government—the Indian does not present himself for gratuitous charity; but he comes as a rightful suitor. He comes with a valid claim. He comes with an authorized demand, based on his acknowledged rights—a right recognized in an unbroken practice of nearly ninety years—witnessed in nearly four hundred treaties solemnly ratified by the Senate, not to speak of two centuries and a half during which the principal nations of Europe, through all their wars and conquests, gave sanction. In support of this claim of the Indian, allow me to read from the report for the year 1872 of that most efficient and clear-headed of our Commissioners, the Hon. Francis A. Walker:

"The people of the United States can never without dishonor refuse to respect these two considerations:

"1st. That this continent was originally owned and occupied by the Indians, who have on this account a claim somewhat larger than the privilege of one hundred and sixty acres of land, and 'find himself' in tools and stock, which is granted as a matter of course to any newly-arrived foreigner who declares his intention to become a citizen;

that something in the nature of an endowment, either capitalized, or in the form of annual expenditures for a series of years for the benefit of the Indians, though at the discretion of the Government as to the specific objects, should be provided for every tribe or band which is deprived of its roaming privileges and confined to a diminished reservation—such an endowment being not in the nature of a gratuity, but in common honesty the right of the Indian, on account of his original interest in the soil.

"2d. That inasmuch as the progress of our industrial enterprise has cut these people off from modes of livelihood entirely sufficient for their wants, and for which, by inherited aptitude and by long pursuit, they were qualified in a degree which has been the wonder of more civilized races, and has left them utterly without resources, they have a claim on this account, again, for temporary support, and to such assistance as may be necessary to place them in a position to obtain a livelihood by means which shall be compatible with civilization.

"Had the settlements of the United States not been extended beyond the frontier of 1867, all the Indians of the continent would to the end of time have found upon the plains an inexhaustible supply of food and clothing. Were the westward course of population to be stayed at the barriers of to-day, notwithstanding the tremendous inroads made upon their hunting grounds since 1867, the Indians would still have hope of life. But another such five years will see the Indians of Dakota and Montana as poor as the Indians of Nevada and Southern California—that is, reduced to an habitual condition of suffering from want of food.

"The freedom of expansion, which is working these results, is to us of incalculable value; to the Indian it is of incalculable cost. Every five years' advance of our frontier takes in a territory as large as some of the kingdoms of Europe. We are richer by hundreds of millions; the Indian is poorer by a large part of the little that he has. This growth is bringing imperial greatness to the nation; to the Indian it brings wretchedness, destitution and beggary. Surely, there is obligation found in considerations like these, requiring us in some way, and the best way, to make good to these original owners of the soil, the loss by which we so greatly gain.

"Can any principle of national morality be clearer than that? When the expansion and development of a civilized race involve the rapid destruction of the only means of subsistence possessed by the members of a less-fortunate race, the higher is bound, as a simple right, to provide for the lower some substitute for the means of subsistence which it has destroyed. That substitute is, of course, best realized, not by systematic gratuities of food and clothing, continued beyond a present emergency, but by directing these people to new pursuits, which shall be consistent with the progress of civilization upon the continent—helping them over the first rough places on the white man's road, and meanwhile supplying such subsistence as is absolutely necessary during the period of initiation and experiment."

Mr. Speaker, when such considerations as these enter into our national affairs—present themselves to a great and ever-grateful people—I can scarcely see the propriety of considering the cost of the remedy. It seems to me a duty this Government owes to herself, in obedience to the imperative demands of our Anglo-Saxon American civilization, development and expansion, as well as to the rightful claims of these unfortunate people, to enter upon the discharge of the duties that a force of unavoidable circumstances imposes, irrespective of the cost of the enterprise. And if I were permitted to add to this consideration the common demands of the plainest principles of humanity, it would surely preclude all economic considerations of the question. And while the demand is imperative, and the cost of so great an

enterprise necessarily heavy, yet, after all, the logic of the enterprise is conclusive of the fact that it is the cheapest remedy for the evil. No other measure provides a removal of the cause. No other means, past or prospective, has ever proposed more than temporary relief; and while I do not under-estimate for a moment the herculean difficulties of the policy that I advocate, yet I am bold to assert that with the proper appliances, twenty-five years will see the Indian question eliminated from our national concerns, and be numbered among the achievements of the American people. With proper effort, twenty-five years hence the Indian Department can be numbered among the thiugs of the past, and its officers "step down and out."

When the clock of time shall record 1900, Indian agents, commissiouers and contractors, some of whom have been scarcely less troublesome to the "Great Father" than the Indian himself, will have vanished out of sight, amid the splendors of Indian civilization; and the Indian, clothed with the garments of our better liberty, worshipping the Christian's God, armed with human rights, shielded by the American constitution, and fighting the battle of manhood.

If there be any who thinks this the pictured imagination of the over-sanguine, I ask him to suspend judgment to the end of my argument.

If the Cherokees and these other tribes have marched up the rugged steepes of civilization to such an eminence, under such adverse conditions, surely twenty-years devoted specifically to Indian *advancement* will place the last Indian on the continent out of reach of governmental guardianship. And if this be true, there is no other logical sequence than that it is cheaper in definite results. Of the 300,000 Indians in the United States in 1872, 130,000 were absolutely self-supporting, 36,000 were absolutely dependent, 84,000 partially dependent, and 55,000 who were not controlled by the Government. It will be seen by the number subsisted in whole and in part, for that year—115,000, at an aggregate cost of \$2,446,000, which is about \$21 per head—that they are fast approaching a condition of self-support. Mr. Delano said, in a speech delivered at Raleigh, North Carolina, July 24, 1872:

"The total amount appropriated for the Indian service for the fiscal year ending July 1, 1872, including all deficiency appropriations, was \$6,055,774.69. Of this sum, \$1,277,997.66 was appropriated only in the sense that it gave the administrative officers of the Government authority to pay or expend in behalf of the Indians moneys belonging to them. Moreover, of the sum appropriated, considerable in excess of \$300,000 was remanded unexpended at the close of the year, reducing the actual expenses of this gigantic service below four and a half million dollars."

I have not sought to improve the estimates by an examination of the progress, for the past four years, of the 115,000 who were so nearly self-supporting, together with the 130,000 who were absolutely so four years ago. I have rather sought the probabilities of cost based on the necessities of the Indians, and the actual expenditures at a time midway between its inception and the present moment, that form a fair average upon which to base the approximate expenses of the enterprise.

Mr. Delano informs us that the expense of that year was four and a half millions. Let us assume that it is to cost five millions annually, with no decrease for twenty-five years, and then it is cheaper in fifteen years of time and three hundred and seventy-five millions of dollars of money, if Mr. Taylor informs us correctly, that "the last forty years have cost little less than five hundred millions." It is cheaper than the policy which feeds, fights and coaxes without any definite results. The cost of the Florida war is an amount sufficient to meet the expense of ten years of teaching the Indian the rudiments of agriculture and the mechanical arts.

The Cheyenne war cost us in one year sufficient to prosecute this enterprise for eight years, to add nothing for the destruction of life and property; and it must be remembered that although the expense of such an enterprise is necessarily heavy at the beginning, its natural sequence is to decrease as the Indian is made self-supporting. If "the Cherokees before the war were the richest people in the world," surely such enterprise, with such results, demonstrates that the Indian race may not only be made independent, but important producers. It must also be remembered that much of the expense of the Indian service for the year of which Mr. Delano speaks, and for the preceding and subsequent years, were for permanent improvements, such as breaking of lands, building of houses, etc., which will enter into the account but once. It must also be remembered that much of the expense of the Indian service is in consequence of solemn treaties we have with the Indians, and accounts for the fact that it increases and decreases from time to time.

Separating the dependent from the partially dependent, we have 130,000 absolutely self-supporting, 84,000 subsisted in part, and 86,000 totally dependent. When we consider that we added 31,000 wholly dependent to the 84,000 partially so, and find that it only required about \$21 per head for subsistence, we must conclude that the 84,000 partially subsisted for that year must be approaching self-support, which would divide them into two divisions—very nearly self-supporting, 214,000; dependent, 86,000.

I believe there is an authoritative statement, that the number who are self-supporting at the present time is 147,000. Allowing nothing for the improvement of the totally dependent, we would have a condition approximating 147,000 self-supporting, 67,000 closely approaching self-support, and 86,000 dependent. In any phase of the case, the prospect is encouraging. If the enterprise is vigorously prosecuted, as it should be, I do not think it safe to assume that the Indian service will cost much less than \$5,000,000 annually for the next five years; but I think it is safe to say that at the end of that time the 86,000 dependents can be made self-supporting, and a gradual decrease in the expense of the Indian service thenceforth.

Mr. Walker divides our Indians into—civilized, 97,000; semi-civilized, 125,000; wholly barbarous, 78,000. If we are to judge of what the distinguished Commissioner means by the language he uses, the Indian problem ought not to be difficult or expensive. If 97,000 are civilized, 125,000 over half civilized, and but 78,000 wholly barbarous, it seems to me a proposition that

ought not to alarm us, either as to the expense of the enterprise or the probabilities of success. If 97,000 American Indians, without any effort on our part, are civilized, it seems to me that, with the better appliances and our well-directed and specific efforts, the 125,000 who unaided have climbed half the "rugged steeps," with our help can scale the walls and sit down under their own vine and fig tree, by the side of the 97,000 who have been first in the race, leaving an example that will decide the fate and quicken the steps of those that are to follow. But my proposition is, and one that I shall attempt to demonstrate before I conclude, that the 97,000 civilized Indians may be placed in a position of individual independence and armed with personal rights, thus reducing the numbers, and consequently the expense of the Indian service. Or to put a more liberal construction on Mr. Walker's language, the process of placing the Indian in a position of sovereign individual independence can be begun at once, thus gradually reducing the number, and in like manner the expenditures of the Indian service. I think, with proper effort, and with such appliances as I shall refer to before I close, it is safe to assume that at the end of ten years the 125,000 who are said to be half civilized may be swallowed up in our civilization.

When this question is looked squarely in the face, it presents a more hopeful aspect, and to me there is nothing, either in difficulty of solution or cost of the enterprise, that ought to alarm the most rigid economist.

I may devote a few remarks, before I close, for the purpose of showing that the proposition to solve our Indian difficulties will not cost the Government anything. But, upon another hypothesis, I think it can be demonstrated that it does not cost anything. I have shown you that it is one of those questions whose higher considerations forbid our determining the duty of the Government by the measure of dollars and cents; something in the nature of war in vindication of national honor, national existence or an insulted flag; necessarily expensive, but of that higher consideration, that, as a nation, we are not permitted to decide what we shall do by the rules of economy. It would be our duty to do it as cheaply as possible, but whether it should cost little or much, could not govern our action. Whether we should or should not do it, could not enter into the question. In estimating the cost, I have affirmed on these premises that the enterprise costs nothing. My theory is, that we simply discharge an obligation; that whatever means we shall employ in the extinguishment of the Indian title, is simply the fulfillment of our original contract with the Indian.

Upon this point there is an established principle that has not only governed this nation, but the nations of Europe. It is, that discovery confers sovereignty upon the government under whose authority the discovery is made, and to the discoverer is accorded the exclusive right of acquiring the soil from the natives.

The Indians in possession were conceded to be the rightful occupants, with a just right and perfect claim to retain possession and enjoy the use until they should be disposed to part with it. This principle was established

in the early history of the Western World, as between European nations. In obedience to it, the United States agreed in the treaty of Paris, article 6th, "to execute such treaties and articles as existed between Spain and the tribes or nations of Indians at the date of the treaty." In obedience to this principle, we have executed not less than three hundred and seventy-two solemn treaties. It is folly to say that a great nation can ignore this right of the Indian, for that does not solve the difficulty. What then is the reasonable conclusion? It is not that we assume a new debt, but that we discharge our national obligation incurred in our original contract with the Indian. As a nation, we are bound to possess ourselves of the public domain. The spread of our civilization demands this. It is simply a question as to how we shall discharge our obligation to the Indian as the original owner of the soil. If we do it by a process that will render him compatible with our civilization; if this is the better way; if this will reach the desired end, and discharge our national obligation, is it not a matter of the greatest economy that we adopt it?

In the Territories alone, over 159,000,000 acres are covered by Indian reservations. If the policy that I advocate will add this to our national wealth, and at the same time subserve the rights of the Indians, is it not worth the cost of the enterprise? Assuming it to cost \$125,000,000, are not 159,000,000 acres of land, rich in the elements of natural wealth, valuable in their mineral resources, lands that can be made to teem with agricultural products, worth at least, in national wealth, one dollar an acre? As Mr. Walker says, on the subject of our national growth:

"The freedom of expansion, which is working these results, is to us of incalculable value. Every year's advance of our frontier takes in a territory as large as some of the kingdoms of Europe. We are richer by hundreds of millions. This growth is bringing imperial greatness to the nation."

Our national growth demands that our public domain be utilized. The condition of the Indian is incompatible with our civilization, advancement and expansion. We simply invest the cost of the enterprise to remove the barrier; we simply loan to American civilization the cost of the enterprise, and remove an embargo consisting not only in the original claim of the Indian, but in treaties, statutes, rights and patents in common. Every consideration of public policy demands that we shall adopt some measure that will add to our national wealth an utilized public domain. We shall expend perhaps seventy-five, one hundred, or one hundred and twenty-five millions; we shall be repaid in "imperial greatness;" we shall "be richer by hundreds of millions;" the "result to us will be of incalculable value." Surely, such considerations present to us a question based on the well-established principles of political economy. And it is not how we shall get the Indian lands, for that does not solve the difficulty; but the question is, how to render the Indian compatible with our civilization, and remove the barrier. Assuming that we can possess ourselves of the lands of the Indian, yet that does not dispose of the Indian himself, and the question is, after all, What shall we

do with the American Indian?—how shall we mould Indian character to the habits, customs and duties of civilized life? We have acquired his lands by treaty until we can acquire them no longer. The time was when we could treat with him, and drive him back into the wilderness to pursue his native inclinations. But to-day, if such a policy were deemed wise, humane or just, it lacks the trifling element necessary to make the contract valid—it lacks the wilderness.

CITIZENSHIP.

As the crowning testimony in support of the policy I am advocating, I desire to again read from the report of the Indian office, for the year 1868, having direct reference to the causes which led to the civilization of the tribes therein named:

"The Cherokees lived on the borders of the white settlements for a great while, with a boundless wilderness behind them to which they retired after each successive advance of the whites, until at length they reached the mountainous regions of North Carolina, South Carolina, Georgia, Alabama, and what is known as East Tennessee. Here they remained for many years, until the enterprise of the whites surrounded their possessions on all sides and began to press heavily upon their borders.

"Down to this period the Cherokees made but small advance in civilization. They were still dependent largely on the chase—still clung to the habits and customs of their savage ancestors—and little change will be found to have taken place in their habits of thought and life until the pressure of emigration on all sides compelled them to so reduce the area of their territory by successive cessions of land, and so destroyed and drove away their game, as to compel them to resort to agriculture and pastoral pursuits to save themselves from famine.

"Agriculture and stock breeding brought with them the important idea of individual rights or of personal property, and the notion of fixed local habitations, of sale and barter, profit and loss, &c. Contact with white settlements all around confirmed and fastened this new class of ideas upon them, and soon resulted in a corresponding change of habits, customs and manners.

* * * * *

"This tribe are not only civilized and self-supporting, but before the fearful disasters of the great Rebellion fell upon them were perhaps the richest people, per capita, in the world.

"This historical sketch demonstrates beyond question that the mainsprings of Cherokee civilization were, first, the circumscribing of their territorial domain. This resulted in, second, the localization of the members of the tribe; and consequently in, third, the necessity of agriculture and pastoral pursuits, instead of the chase, as a means of existence; and as a logical sequence, fourth, the introduction of ideas of property in things of sale and barter, &c.; and hence, fifth, of course a corresponding change from the ideas, habits and customs of savage to those of civilized life. * * *

"To make the logic of the argument and the conclusions irresistible, let it be remembered that the history of the civilization of each of the other tribes I have named is, in all its leading features, the same. The necessities imposed by diminished territory—of individual localization and permanent habitation, abandonment of the chase—of resorting to the herd, the flock, the field, the plow, the loom, and the anvil—of embracing the idea of property in things—of a change of habits, customs, laws, &c., to suit new ideas and new methods of life, and of imbibing corresponding ideas of morals and religion, operated alike in all these tribes, and led them each through the same pathway into the broad sunlight of our civilization."

In this brief sketch, we have found the underlying principle and the essential causes which lead to success. We have seen the examples which it has left. We cannot be in error as to the ultimate result. For in this instance we must remember, that the principle was applied only by accident, and then in its most feeble form. In obedience to the dictates of this history, I stand here to ask the State of Kansas to urge upon Congress the application of a similar appliance of government, based upon the same principle. It cannot but be that this great heart of the nation is interested in seeing the life-fluid of national prosperity flow out unvexed in every artery of the Republic. If that is desirable, I cannot see why we may not commence at once to unravel this difficult problem. For this reason I have affirmed, *that the civilized Indians referred to in these resolutions sustain a special relation to the general Indian question.* For, sir, it is madness and folly to entertain any theory for the settlement of this question that does not include, as its final object, the incorporation of the Indian into the civil body politic. Surely we do not expect to pension the Indian upon the Government forever and forever. Most certainly we do not expect to elevate the Indian to a degree of civilization and then leave him a sort of irresponsible element in the Government, neither owing allegiance to the country nor obedience to its laws. I have kept steadily in view individual sovereignty as the end and aim of the policy I have advocated. And now, sir, if this theory is correct, why not apply it to the civilized Indian at once? In view of this fact, I affirm, *that the civilized Indian is the great factor in the solution and settlement of the Indian question.* If ever this question is solved in a manner compatible with our civilization, the civilized Indian is the algebraic property to be employed in its solution. "We must have action, and that right soon." So long as the Government has no definite policy, I am not surprised that there are those who are goaded into a belief that extermination is the only means of relief. We may defer this matter, and all may yet be well; but we do not know it. But if the Government acts now, then it shows at once a fixed purpose on its part to adhere to a policy which has the aim and object of final solution. It is a culminating demonstration of the Indian's capability for self-government, and is the solution of the Indian problem. In the territory described by these resolutions there are about 60,000 civilized Indians; in the United States, about 300,000 Indians, all told. It will require no argument to demonstrate how Congress may take a giant step in the solution of this question, by extending to this people the rights and privileges of sovereignty, and fixing a policy for the guidance of all future administration of the Government.

But, sir, there is another consideration connected with this question. It is, that no high degree of civilization is attainable under their present governments. They may obtain intellectual attainments to a marked degree, and yet fall far short of the full measure of civilization that comes of commerce and intelligent civil government. They have reached the acme of advancement under their present circumstances; and if they have reached a

very high degree of progress, it is only evidence of their superior capabilities. A title in common, and the rudest form of government, is an estoppel to further progress. These governments are wholly inadequate to the protection of life and property. Under this incongruous system of Indian confederacies, the Territory has become the asylum and refuge for criminals of every shade and degree, whose incursions upon the border of this State were most earnestly protested against, and a remedy asked by the Legislature preceding this one. In a preamble to a set of resolutions upon this subject, in the Session Laws of 1876, the matter is referred to in this language:

"Whereas, Murder, arson, burglary, larceny and rape have become so common along the southern border of our State, which are perpetrated largely by the outlaws who claim and have their homes in said Territory, and also cross the line into our State, commit their crimes, and escape back into said Territory, that humanity demands that some action be taken to prevent the same," etc.

The legislation asked for in these resolutions may be stated briefly: 1st, A territorial government; 2d, Allotment of the lands in severalty; 3d, A United States court; 4th, Citizenship.

I have not stopped to inquire whether a majority of these people are in favor of the legislation or not. If you ask me I cannot tell you what are the minds of a people crushed beneath the iron heel of a remorseless tyranny. I cannot tell what would be the effect of a fair and free discussion of the questions involved, when no such discussion has been had, and dare not be. I only know that liberty of speech and the press has no existence, and that only one sentiment is tolerated, and that adroitly manipulated by a set of the most unconscionable demagogues that ever played upon the prejudices of any people and fattened on the spoils. Argument is answered by the shot-gun and the revolver; reason is hushed in death; the freedom of speech and the press dethroned, while mob violence holds high carnival.

But, sir, it is not material that I should know. I know that what I am advocating is right. I know, too, that Congress has the power and authority to enact it. By all the lights of history, it is their duty to put these people on the "white man's road." If there be those among these people who are opposed to this legislation, the reason is easily found.

The Hon. Commissioner of Indian Affairs, in his report for 1876, says:

"In the so-called 'nations' are a number of intelligent, ambitious, educated men, who, under the present system, are the leaders of their people, controlling their affairs and the expenditure of their revenue. They very naturally deprecate any change which will endanger such power."

Another source of opposition comes of the numerous propositions heretofore made to open up the country to white settlement, irrespective of the rights of the Indians. This has been seized upon by designing demagogues to inflame Indian passion and arouse the prejudice against any and every measure, no matter how reasonable and just. I have no lot or part in any scheme to despoil these people of their heritage. If Congress has the power to dispose of the title to these lands, neither a territorial government, a court,

nor citizenship, will enlarge or diminish that power. Surely an allotment in severalty will not.

If that title is valid, no subsequent action of the Government can render it less secure. If it is not, the sooner the people use the means to secure an absolute title, the better. The power to remove intruders has never been attempted to be exercised by these Indian governments. They have no army, no sovereignty, and none of the powers of government. When intruders are to be removed, they call upon the United States army for the purpose. It is plain, then, that they possess no power to defend their own domain, and it is equally true that the Government under whose authority we seek to have them come does possess and exercise that power. We simply ask them to assume the responsibilities of the only government that can protect their rights and defend their soil.

These Indian governments live only by sufferance. The so-called tribal corporation is something that lives by permission; it has no legal basis; it can neither sue nor be sued; it has no power to enforce an obligation; if abused, its only recourse is to the power that injured it. Chief Justice Marshall held in relation to this territory that, "they occupy a territory to which we assert a title independent of their will."

The Supreme Court of the United States, in more decisions than one, has decided that a subsequent act of Congress is paramount to a prior treaty. That man is the Indian's worst enemy who counsels him to depend upon his right of occupancy; that man is false to him who tells him not that his "national house is tottering to its fall." Past history does not authorize me to say that this treaty will be respected, and an endless right of occupancy be secured to this people.

But we are told that these lands are held by the plighted faith of the nation. What is this? Simply a sentiment. Titles to valuable estates are not based on gush or sentiment. If we have reached that state of human perfection, we may dispense with notes, bonds, and mortgages as useless inconveniences. Every valid contract carries with it the power to enforce its provision. As the friend of the Indian, I invoke him to seek legal security and the protection of the Government while his treaties are respected. In a few short weeks from to-day they will have lost their best friend. The Government is fast passing into other hands. I only repeat the solemn warnings of history when I tell them, that the men into whose hands the Government is passing have not been their most trusted guardians in the past. The moment is auspicious, the time opportune, to secure the full fruition of their magnificent inheritance. Now is the golden opportunity, before it is yet too late to knock at the doors of Congress. I am a Kansan. On her broad domain there is room enough for me and all of my ambitions. I do not want the Indians' lands, let his title be what it may. I would scorn to champion such a cause. I would bid these people to rise, carry with them every power that is potent, and ask my Government for an absolute individual title to every rood of land within the precincts of their fair coun-

try. I am not false to the Indian when I counsel him to secure a title that can be defended. Nothing but the disposition of the lands can open this country to settlement. I would leave that question to time and the Indians themselves. No person is going to settle on lands, the absolute individual title of which is in another.

Unless industry is a myth, and enterprise a crime, the utilization of this vast territory is a thing desirable. Two hundred thousand farmers might be profitably employed in each of these nations; yet if such an experiment was tried, it will require no prophet to foresee the result. The destiny of every other reservation, the absolute title of which is in the Government, is the answer. Without a dollar's worth of real estate, they would mould the sentiment, make the laws, and finally own the land. As to the advantages of individual and separate rights in the soil, over any communistic ideas on the subject, any argument is unnecessary. If the character of title by which these Indians, of the tribes named, hold their lands, is best and right, then the civilized world, with all its accumulated centuries of experience, is wrong. But there are other special reasons why the lands of these tribes should be allotted, aside from the general principle "that no high degree of civilization or permanent prosperity is attainable without individual ownership."

No persuasion is sufficiently powerful to induce a white man, thoroughly imbued with our Anglo-Saxon civilization, and trained from his youth up in the school of American progress—much less an Indian—to make anything but the most negligent effort toward the development of a country or the improvement of a home, neither of which he is confident of retaining. Without metes and bounds definitely established as to his landed interests, he cannot plant a hedge or an orchard, dig a well, or make any substantial improvements that would add value to the realty or comfort to himself. Until these people had so perfectly adopted the habits and customs of the white man, and learned to appreciate the advantages of accumulation, these inconveniences, with their influence, checking progression, were not so keenly felt, nor the changes asked for now so imperatively needed. No amount of legislation for the Indian Territory will be effective of much good, either for the Indian himself or in the interest of commerce and development, that does not include as one of its principal propositions the allotment of the lands and the individualization of those interests which, up to the present, have been held in common. Again, the uncertain tenure of a common title makes necessary the passage of those odious "permit laws" found on the statute books of each one of these nations or tribes, and are practically an embargo on labor and oppressive on every industry of the country. A large amount of foreign or non-citizen labor is necessary to utilize that capital in real estate possessed by the Indians, which, without such labor, is absolutely useless; yet the amount needed cannot be introduced by the Indians, much as they may desire to do so, without great risk, so long as this uncertain tenure of title exists.

Individualization of the title will place every man's interest within his own control, and enable him to so direct those interests as may be to him most profitable. And as the prosperity of any community is dependent on the prosperity of the individuals composing such community, the conclusion is irresistible. The securing to these people of an indefeasible title in severalty to their lands will place the thousands of broad acres now lying idle under the plowshare of the husbandman, develop the immense mineral resources of the country, give profitable employment to many now idle, and add these tribes or nations of Indians to the list of important producers.

It may be claimed that there would be danger of these Indians being swindled out of their lands, did they possess them in individual right, and that they would soon be left homeless, in want and penury. Their intelligence would forbid any such anticipations; yet such a contingency could be easily provided against, by making the title inalienable for a term of years. A large portion of the people for which this legislation is asked are perfectly competent to understand the value of real estate, and a very few years in absolute ownership would enable that element among them who at the present might be imposed upon, to properly protect their interests. A well-devised system of leases, which might be made profitable to both the lessor and lessee, would soon place the surplus lands under cultivation.

That the Government anticipated the progress of these nations would, at some future time, make it desirable and necessary to change the title in common for one in severalty, is evidenced by the presence of the provision, in the first treaty which conveyed their lands to them by patent, for such survey and allotment, as early as 1828. While I would not pull open the gates and let in a full flood of immigration upon these people, I would tear down that Chinese wall that divides them from the commerce of the country, leaving no stone upon another. Commerce is an essential element in the process of a perfect civilization. It is idle to expect commercial prosperity without security. It is nonsense to expect these people to prosper commercially, or prosecute individual interests, under a system that has not one iota of commercial basis. Who, sir, ever heard of commercial prosperity without real estate? As well might you expect to plant prosperous communities upon the desert plains, as upon that broken reed of a title in common. I recognize, sir, the right of the Government to say to these people, "This is the white man's road—walk ye in it." I recognize the right of the Government to relinquish its guardianship; and in doing so, only in that way that is compatible with the interests of the country. I recognize the right of the Government to swallow up and coalesce this people, as it has done other peoples—weak students of our laws and constitution. This title in common is as unsuited to a civilized people as definite metes and bounds would be to a savage and roaming one.

As to the establishment of courts for this country, it will appear necessary on the three grounds of convenience, economy, and justice. The jurisdiction of the court located at Fort Smith, Arkansas, extends over the whole Indian

Territory, although confined solely to criminal cases, and requires the officers, who serve processes or make arrests, to travel from fifty to two hundred and fifty miles to perform such duty, while many times citizens of the country are compelled, in obedience to such authority, to leave their homes, make long and expensive journeys, lose much time from their business, and generally at that season of the year when their absence from their farms results in the greatest loss to their interests—possibly compelled to remain in attendance at the court from two to six weeks; and then when the case upon which they are to testify is called, it is found to be of the most trivial character, or the accusation without any foundation in fact.

The expenses of the court, on account of this condition of things, are enormous; amounting at one time to \$230,000 in the course of the year. Mileage for these great distances, for both the witness and the officer; fees for detention of witnesses, made necessary by the distance of residence—all these circumstances conspire to increase the cost of maintaining the court at Fort Smith, and would be largely reduced if the court was centrally situated.

There is not even a United States Commissioner's office within the limits of the Territory, and many times prisoners and a large number of witnesses are compelled to travel all the way to Fort Smith, at a heavy expense to the Government, when, on an examination, no commitment can be found, and the case is discharged.

But the principal reason for the establishment of courts "within and for" this country, is one of justice. These people have a *right* to be tried by a jury of their own race.

In the report of John B. Jones, Agent for the Cherokees, to Commissioner Walker, under date of September 1st, 1872, I find the following language in reference to this subject. When it is remembered that Mr. Jones had spent his entire life among the Cherokees, and was more thoroughly conversant with their language and customs than any white man then living, his opinions have marked significance. He says:

"There is scarcely anything which is, and has been, so fruitful a source of trouble, oppression and injustice as the jurisdiction of this court over the Indian Territory. It has become a very common occurrence for innocent men to be arrested by these marshals, and dragged to Fort Smith, Ark., a distance of from fifty to one hundred and fifty miles, and compelled to give bail in a city of strangers, * * * or in default of such bail, be incarcerated in the common jail until a meeting of the court."

Further, the jurisdiction of this court is confined exclusively to criminal cases, and there is no authority whatever to which either party can appeal in civil cases arising between a citizen of any of these tribes and a citizen of the United States. Owing to this fact, there is no protection to capital or values of any character afforded by the United States to its own citizens, so soon as such capital or values are placed within the limits of the Indian Territory. The treaties with these Indians provide for the establishment of such courts as asked for in these resolutions, "within and for" the country; and

the different tribes have more than once, through their national councils, requested that this should be done.

We say, make them citizens of the United States. Do you say, they do not ask it? Well, Mr. Speaker, I am not asking any man to clothe himself with the powers and to exercise the privileges of an American citizen who does not desire it. But, by the eternal gods, I do say to him, You shall not have it within your power to deprive another of the shield of American citizenship. It was Thaddeus Stevens, who, at the time Congress was considering a bill to grant suffrage to the colored people of the District of Columbia, was approached with the argument that "they did not want it." The old commoner's reply was, "I know *one* who does." This was no idle remark, but an expression that contained the very essence of our political philosophy.

Congress has the indisputable right to ordain just such laws as will place American citizenship within the reach of those desiring it, and no man or set of men have the right to set up or maintain any government, or pretended government, at variance with this right.

But, Mr. Speaker, I have said, "*make* them citizens of the United States." Yet I doubt the propriety of my own language, for they are already citizens by the supreme law of the land; still, legislation is necessary, to place them within reach of its privileges. I have already intimated that there is in this Territory a vast population of white, black and red men, clamorous for the exercise of this right; and I hold emphatically that no power exists to set up and maintain any pretended government in contravention of this privilege. If a sovereign state cannot exercise this power, surely an Indian confederacy that has no sovereignty and none of the powers of government cannot.

While I am uttering these words, a Cherokee Indian holds the office of a member of the school board in my town. If the wildest Indian that ever roamed the plains comes within the laws of Kansas and presents himself to vote, he cannot be denied. The State may make a law prescribing that he shall be possessed of intelligence, or make any other regulation for the public good; but it cannot forbid him on account of race.

Now, sir, what legislation is necessary? Simply to put the machinery of government in force. There is but one way to do this: that is, to extend over them a Territory of the United States, with executive, legislative and judicial powers. That is the only organization that carries with it the powers of government. That is the only form of government that will give protection within. That is the only form of law that will protect the people bordering on the Territory, a portion of whom I represent upon the floor of this House. Every person at all conversant with the condition of things in this Territory, agrees that a United States court within, and for it, is a crying necessity. These people have a right to be tried by a jury of their own countrymen. This court cannot be conducted without jurors, and these jurors must be citizens of the United States. But, sir, this court wants something more: it wants the strong arm of executive power. This people ought not

to be compelled to depend on the authorities at Washington alone. The law's delays are bad enough at best; the insolence of office often enough intolerable. This Territory requires an executive on the ground; it requires territorial courts and justices; it requires executive, legislative and judicial departments, that can be held to accountability: in short, it wants the ballot. Allotment of the lands is a pressing necessity, and is gaining a popular hold upon the people of this Territory. A territorial government should go hand in hand with it. These Indian governments contain no provision for the adjudication of any questions relating to real estate. In their utter weakness and imbecility they would entail endless trouble and loss to the people.

Again, a Territorial Government will give these people a Delegate in Congress. The advantages of a Delegate on the floor of Congress, in comparison with their present so-called representation are:

1. The enormous expense of these Indian "delegations" to their respective tribes—the Cherokee delegation having cost every year since the war from fifteen to forty-two thousand dollars, and will average twenty thousand per year; each of the other tribes named in these resolutions in proportion—the Choctaw delegation costing one year over fifty thousand dollars. Of this, twenty-five thousand dollars was paid to attorneys for ostensibly collecting money from the United States, which had been already paid. The delegations from the five tribes named have cost not less than fifty thousand dollars each year for the last ten years. Of this, no account is rendered to their respective tribes, and probably not more than a dozen men in each tribe ever knew how much had been spent, much less what it was spent for. Of this last, nobody knows fully but the delegates.

2. The want of official dignity of such delegations, as compared with a Delegate in Congress. They get no nearer the floor of Congress than the galleries, where they are sneered at, and the lobbies, where they are perfectly at the mercies of jobbers and legislative shysters, who swindle them out of large sums for supposed political influences and worthless services. They prejudice public opinion against these nations or tribes claiming and possessing intelligence, industry and integrity, by being classed by the general public, as well as many members of Congress, in the same category as "Spotted Tail," "Young-man-afraid-of-his-horses," or any other delegation of painted and beaded braves who yearly "infest" the capital.

3. They are compelled to interest some member of Congress, *by some means*, to present any claim they desire to make, or oppose any measure inimical to their interests, that may be proposed—thus furnishing an inducement to bribery and corruption.

4. If they are allowed to appear before any committee or officer having charge of or consideration of measures affecting their interest, it is only after they have "danced attendance" until it is entirely convenient for such officer or committee to admit them, and then they are only afforded such opportunity to present their objections or preferences as may accord with such committee or officer's views of the case.

Contrast this—

1. With the saving of at least \$50,000 per annum to the five tribes, by authorizing the election of a Delegate to Congress.

2. The freedom of such Delegate from the impositions practiced on "delegations," by reason of his different relations to the Government.

3. The official dignity of a Delegate entitled to a place on the floor of Congress, and authorized by virtue of his warrant of office to claim the attention of the Government, in any of its branches, to the wants, the needs and the rights of the people he represents.

4. The opportunities of such Delegate to properly and effectively present such rights or wrongs, as compared with tribal or "Indian delegations," who are excluded from the halls of Congress, committee rooms, and the departmental offices.

5. The right of the intelligent and industrious portion of these peoples to representation, arising from the fact that they pay all the taxes and revenues paid by any citizens of the United States to the General Government. They cannot manufacture a pound of tobacco or a pint of beer without complying with the same law governing such actions in the State of New York.

6. The election of a Delegate to Congress need not *interfere* with the different tribes sending small and economical delegations to settle special tribal business or adjust tribal or individual claims. The presence there of a member of Congress thoroughly acquainted with their affairs, and whose particular business it would be to see to their interests, would facilitate and expedite the proper action of the Government on such matters more than all the tribal "delegations" that could be maintained at Washington without such aid.

7. Tribal delegates make use of their opportunities as delegates to prosecute individual claims, at the expense of their respective nations, as for instance, Adair's "Osage claim," the "Texas land claim," etc.

8. And finally, the irresponsibility and the utter unworthiness of the average Indian delegate under the present system.

That these people are ready for the changes asked for in these resolutions, is evidenced in such facts as the following: Taking the Cherokee Nation, as an example of the progress that has been made, we find them with a system of "free schools" as perfect in its organization as that of any State in the Union. They have seventy-three neighborhood or "district" schools; one male seminary, affording advanced instruction to 160 students; one female seminary, containing 175 Cherokee girls. More than one-half the number attending each of these high schools are boarded, clothed and instructed entirely at the expense of the Nation; the remaining ones only being required to pay a nominal price for board alone. The "district" schools are absolutely "free," the students attending being furnished with books, maps, paper, even to the crayons with which they write on the blackboard, at the cost of the Nation.

They have an asylum school for orphans, which is now furnishing a home and giving instruction to nearly two hundred orphan children. They have

an asylum for the blind, disabled and insane, and finished and furnished in such manner as would do credit to any State on the border. They have a national newspaper, edited and conducted at the expense of the Nation, one-half of which is printed in their own alphabet, consisting of eighty-four characters. They produced in agricultural products last year 2,765,000 bushels of corn and 127,000 bushels of wheat, besides various other products. They own about 17,600 head of horses, 130,000 head of cattle, 200,000 head of hogs, and 20,000 head of sheep.

This general intelligence, social and moral progress, will compare favorably with the States on the border. The amenities, customs and proprieties of civilized life are equally appreciated, and as generally regarded, as among the people of Missouri, Arkansas or Kansas. The same may be said of the Choctaws and Chickasaws. The Creeks and Seminoles have probably not made the same advancement in education and enlightenment, but what they have done they have done well; and with liberal legislation and the impetus to every industry and enterprise which a consciousness of individual independence would bring, they would soon be even in the race.

And now, Mr. Speaker, what do these resolutions propose? Simply that a civilized people shall be impressed with the responsibilities of a civilized government. Of the four distinct propositions urged upon the attention of Congress, this is the sum. The entire structure of the legislation I am now asking is based on this one central idea, that they are a civilized people, every way competent to take care of themselves, and relieve the Government of any further trouble in the matter. We have seen that the causes which were so wonderfully successful in the civilization of these people as enumerated by the Commissioner were: "Individual rights," "fixed local habitations," "agricultural and pastoral pursuits," "ideas of property."

Unless this history is a fable, these resolutions seek to fix upon these people the full measure of progress by the surest means known to government. I am not asking any appliance of government in any manner inconsistent with the vested rights of this people. Allotment is the key with which to unlock this whole question. That is the secret mainspring to this whole difficulty. Whenever this people shall have substituted a title in common for an absolute title, that is beyond courts, parliaments or presidents; whenever 60,000 of these people shall have obtained indefeasible rights in homes, guaranteed by a title that is irrevocable—then, sir, shall the Government have taken the first decisive step in the solution of the Indian difficulty. For, sir, as truth is truth, the application of the same principle to other tribes and other Indians must produce their emancipation from ignorance, superstition and barbarism.

Calling your attention again to that most important of all considerations connected with this question, namely, that the Indian Territory, if this policy is followed, is the solution of the entire Indian difficulty: if this legislation is enacted by the Government, it is a culminating demonstration of

Indian civilization, and the Indian's capacity to be finally incorporated into the civil body politic, and is the solution of the "Indian Problem." And it is a matter of grave importance that the Government should make no mistake with these people, for they are charged with the fate of a race.

Mr. Speaker, I cannot better close these remarks than in quoting the eloquent appeal of a citizen of one of these nations—a gentleman of fine attainments, an orator, a scholar, one of nature's noblemen. His words appeal to you—to the country—to Congress. Hear him:

"I appeal to Congress to give us an absolute individual title to our lands, as it is proven beyond question that our title in common is insecure. I have been moved to take the position I advocate, because our national house is tottering to its fall. I see the rains descending and the floods coming. I know the rains and floods and winds are beating upon our house, and that it will fall because it is founded on the sand of a title in common. If we ever shall hold a title to any portion of our lands which we can defend and maintain, it must be a title in *individuals* and not in *common*.

"Make us citizens of the United States; clothe us with the prerogatives of such; arm us with the power and rights of American citizens. Depend upon it, the Indian will bless you, if he but understands he is elevated from the degrading rank of a subject to the proud position of an American citizen. You struck the shackles from the limbs of four million slaves, and while still dazzled by the full blaze of liberty, you girded them with the armor of American citizenship, and bade them protect their new-born rights. * * * Do as much for the Indian. His title in common is insecure. Give him a voice in making the laws which are to govern him, and the right to sit on the jury that is to try his own countrymen. He is subject to your revenue laws, and pays taxes to the support of your Government. Give him that representation which should go hand in hand with taxation. Give the Indian those equal rights before the law which are conceded to all other people. Arm him with the powers and privileges of an American citizen. Give him that title to his land which he can protect and defend. *Then*, and not till then, will he have a country which he can call his own. *Then* will he be possessed of land which is his indefeasible property. *Then* will he have a home where he can rest his weary feet, with no dark forebodings of the future."



